

ASSEMBLY BILL

No. 554

Introduced by Assembly Member Daucher

February 18, 2003

An act to amend Section 76140 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 554, as introduced, Daucher. Community colleges.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state. Existing law authorizes community college districts to admit nonresident students, and requires community college districts to charge a tuition fee to nonresident students.

This bill would make various technical, nonsubstantive changes in a provision relating to nonresident student tuition fees at the California Community Colleges.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76140 of the Education Code is
2 amended to read:

1 76140. (a) A community college district may admit, and
2 shall charge a tuition fee to, nonresident students. The district may
3 exempt from all or parts of the fee any person described in
4 paragraph (1) or (2):

5 (1) All nonresidents who enroll for six or fewer units.
6 Exemptions made pursuant to this paragraph shall not be made on
7 an individual basis.

8 (2) Any nonresident who is both a citizen and resident of a
9 foreign country, if the nonresident has demonstrated a financial
10 need for the exemption. Not more than 10 percent of the
11 nonresident foreign students attending any community college
12 district may be so exempted. Exemptions made pursuant to this
13 paragraph may be made on an individual basis.

14 (b) A district may contract with a state, a county contiguous to
15 California, the federal government, or a foreign country, or an
16 agency thereof, for payment of all or a part of a nonresident
17 student's tuition fee.

18 (c) Nonresident students shall not be reported as full-time
19 equivalent students (FTES) for state apportionment purposes,
20 except as provided by subdivision (k) or another statute, in which
21 case a nonresident tuition fee may not be charged.

22 (d) The nonresident tuition fee shall be set by the governing
23 board of each community college district not later than February
24 1 of each year for the succeeding fiscal year. The governing board
25 of each community college district shall provide nonresident
26 students with notice of nonresident tuition fee changes during the
27 spring term before the fall term in which the change will take
28 effect. Nonresident tuition fee increases shall be gradual,
29 moderate, and predictable. The fee may be paid in installments, as
30 determined by the governing board of the district.

31 (e) The fee established by the governing board pursuant to
32 subdivision (d) shall represent for nonresident students enrolled in
33 30 semester units or 45 quarter units of credit per fiscal year (1) the
34 amount that was expended by the district for the expense of
35 education as defined by the California Community College
36 Budget and Accounting Manual in the preceding fiscal year
37 increased by the projected percent increase in the United States
38 Consumer Price Index as determined by the Department of
39 Finance for the current fiscal year and succeeding fiscal year and
40 divided by the FTES (including nonresident students) attending in

the district in the preceding fiscal year, (2) the expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year, (3) an amount not to exceed the fee established by the governing board of any contiguous district, or (4) an amount not to exceed the amount that was expended by the district for the expense of education, but in no case less than the statewide average as set forth in paragraph (2). However, if, for the district's preceding fiscal year, *the* FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district's total FTES attending in the district, the district, in calculating the amount in paragraph (1), may substitute, instead, the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision (e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) In adopting a tuition fee for nonresident students, the governing board of each community college district shall consider nonresident tuition fees of public community colleges in other states.

(h) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(i) Any district that has fewer than 1,500 FTES, and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees, may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(j) Any district that has more than 1,500, but less than 3,001, FTES, and whose boundary is within 10 miles of another state that

1 has a reciprocity agreement with California governing student
2 attendance and fees, may, in any one fiscal year, exempt up to 100
3 FTES from that state from the mandatory fee requirement
4 described in subdivision (a) for nonresident students.

5 (k) The attendance of nonresident students who are exempted
6 pursuant to subdivision (i) or (j) from the mandatory fee
7 requirement described in subdivision (a) for nonresident students
8 may be reported as resident FTES for state apportionment
9 purposes. Any nonresident student reported as resident FTES for
10 state apportionment purposes pursuant to subdivision (i) or (j)
11 shall pay a fee of forty-two dollars (\$42) per course unit. That fee
12 is to be included in the FTES adjustments described in Section
13 76330 for purposes of computing apportionments.

